

In the House of Representatives, U. S.,

October 23, 2000.

Resolved, That the bill from the Senate (S. 1508) entitled “An Act to provide technical and legal assistance to tribal justice systems and members of Indian tribes, and for other purposes”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Indian Tribal Justice*
3 *Technical and Legal Assistance Act of 2000”.*

4 ***SEC. 2. FINDINGS.***

5 *The Congress finds and declares that—*

6 *(1) there is a government-to-government relation-*
7 *ship between the United States and Indian tribes;*

8 *(2) Indian tribes are sovereign entities and are*
9 *responsible for exercising governmental authority over*
10 *Indian lands;*

11 *(3) the rate of violent crime committed in Indian*
12 *country is approximately twice the rate of violent*
13 *crime committed in the United States as a whole;*

1 (4) *in any community, a high rate of violent*
2 *crime is a major obstacle to investment, job creation*
3 *and economic growth;*

4 (5) *tribal justice systems are an essential part of*
5 *tribal governments and serve as important forums for*
6 *ensuring the health and safety and the political integ-*
7 *riety of tribal governments;*

8 (6) *Congress and the Federal courts have repeat-*
9 *edly recognized tribal justice systems as the most ap-*
10 *propriate forums for the adjudication of disputes af-*
11 *fecting personal and property rights on Native lands;*

12 (7) *enhancing tribal court systems and improv-*
13 *ing access to those systems serves the dual Federal*
14 *goals of tribal political self-determination and eco-*
15 *nomie self-sufficiency;*

16 (8) *there is both inadequate funding and an in-*
17 *adequate coordinating mechanism to meet the tech-*
18 *nical and legal assistance needs of tribal justice sys-*
19 *tems and this lack of adequate technical and legal as-*
20 *sistance funding impairs their operation;*

21 (9) *tribal court membership organizations have*
22 *served a critical role in providing training and tech-*
23 *nical assistance for development and enhancement of*
24 *tribal justice systems;*

1 (10) *Indian legal services programs, as funded*
2 *partially through the Legal Services Corporation,*
3 *have an established record of providing cost effective*
4 *legal assistance to Indian people in tribal court fo-*
5 *runs, and also contribute significantly to the develop-*
6 *ment of tribal courts and tribal jurisprudence; and*

7 (11) *the provision of adequate technical assist-*
8 *ance to tribal courts and legal assistance to both indi-*
9 *viduals and tribal courts is an essential element in*
10 *the development of strong tribal court systems.*

11 **SEC. 3. PURPOSES.**

12 *The purposes of this Act are as follows:*

13 (1) *to carry out the responsibility of the United*
14 *States to Indian tribes and members of Indian tribes*
15 *by ensuring access to quality technical and legal as-*
16 *sistance.*

17 (2) *To strengthen and improve the capacity of*
18 *tribal court systems that address civil and criminal*
19 *causes of action under the jurisdiction of Indian*
20 *tribes.*

21 (3) *To strengthen tribal governments and the*
22 *economies of Indian tribes through the enhancement*
23 *and, where appropriate, development of tribal court*
24 *systems for the administration of justice in Indian*

1 country by providing technical and legal assistance
2 services.

3 (4) *To encourage collaborative efforts between na-*
4 *tional or regional membership organizations and as-*
5 *sociations whose membership consists of judicial sys-*
6 *tem personnel within tribal justice systems; non-profit*
7 *entities which provide legal assistance services for In-*
8 *dian tribes, members of Indian tribes, and/or tribal*
9 *justice systems.*

10 (5) *To assist in the development of tribal judicial*
11 *systems by supplementing prior Congressional efforts*
12 *such as the Indian Tribal Justice Act (Public Law*
13 *103–176).*

14 **SEC. 4. DEFINITIONS.**

15 *For purposes of this Act:*

16 (1) *ATTORNEY GENERAL.*—*The term “Attorney*
17 *General” means the Attorney General of the United*
18 *States.*

19 (2) *INDIAN LANDS.*—*The term “Indian lands”*
20 *shall include lands within the definition of “Indian*
21 *country”, as defined in 18 U.S.C. 1151; or “Indian*
22 *reservations”, as defined in section 3(d) of the Indian*
23 *Financing Act of 1974, 25 U.S.C. 1452(d), or section*
24 *4(10) of the Indian Child Welfare Act, 25 U.S.C.*
25 *1903(10). For purposes of the preceding sentence, such*

1 *section 3(d) of the Indian Financing Act shall be ap-*
2 *plied by treating the term “former Indian reserva-*
3 *tions in Oklahoma” as including only lands which*
4 *are within the jurisdictional area of an Oklahoma In-*
5 *Indian Tribe (as determined by the Secretary of Inte-*
6 *rior) and are recognized by such Secretary as eligible*
7 *for trust land status under 25 CFR part 151 (as in*
8 *effect on the date of enactment of this sentence).*

9 (3) *INDIAN TRIBE.—The term “Indian tribe”*
10 *means any Indian tribe, band, nation, pueblo, or*
11 *other organized group or community which admin-*
12 *isters justice or plans to administer justice under its*
13 *inherent authority or the authority of the United*
14 *States and which is recognized as eligible for the spe-*
15 *cial programs and services provided by the United*
16 *States to Indian tribes because of their status as Indi-*
17 *ans.*

18 (4) *JUDICIAL PERSONNEL.—The term “judicial*
19 *personnel” means any judge, magistrate, court coun-*
20 *selor, court clerk, court administrator, bailiff, proba-*
21 *tion officer, officer of the court, dispute resolution*
22 *facilitator, or other official, employee, or volunteer*
23 *within the tribal judicial system.*

24 (5) *NON-PROFIT ENTITIES.—The term “non-prof-*
25 *it entity” or “non-profit entities” has the meaning*

1 *given that term in section 501(c)(3) of the Internal*
 2 *Revenue Code.*

3 (6) *OFFICE OF TRIBAL JUSTICE.*—*The term “Of-*
 4 *fice of Tribal Justice” means the Office of Tribal Jus-*
 5 *tice in the United States Department of Justice.*

6 (7) *TRIBAL JUSTICE SYSTEM.*—*The term “tribal*
 7 *court”, “tribal court system”, or “tribal justice sys-*
 8 *tem” means the entire judicial branch, and employees*
 9 *thereof, of an Indian tribe, including, but not limited*
 10 *to, traditional methods and fora for dispute resolu-*
 11 *tion, trial courts, appellate courts, including inter-*
 12 *tribal appellate courts, alternative dispute resolution*
 13 *systems, and circuit rider systems, established by in-*
 14 *herent tribunal authority whether or not they con-*
 15 *stitute a court of record.*

16 ***TITLE I—TRAINING AND TECH-***
 17 ***NICAL ASSISTANCE, CIVIL***
 18 ***AND CRIMINAL LEGAL ASSIST-***
 19 ***ANCE GRANTS***

20 ***SEC. 101. TRIBAL JUSTICE TRAINING AND TECHNICAL AS-***
 21 ***SISTANCE GRANTS.***

22 *Subject to the availability of appropriations, the Attor-*
 23 *ney General, in consultation with the Office of Tribal Jus-*
 24 *tice, shall award grants to national or regional membership*
 25 *organizations and associations whose membership consists*

1 of judicial system personnel within tribal justice systems
 2 which submit an application to the Attorney General in
 3 such form and manner as the Attorney General may pre-
 4 scribe to provide training and technical assistance for the
 5 development, enrichment, enhancement of tribal justice sys-
 6 tems, or other purposes consistent with this Act.

7 **SEC. 102. TRIBAL CIVIL LEGAL ASSISTANCE GRANTS.**

8 Subject to the availability of appropriations, the Attor-
 9 ney General, in consultation with the Office of Tribal Jus-
 10 tice, shall award grants to non-profit entities, as defined
 11 under section 501(c)(3) of the Internal Revenue Code, which
 12 provide legal assistance services for Indian tribes, members
 13 of Indian tribes, or tribal justice systems pursuant to fed-
 14 eral poverty guidelines that submit an application to the
 15 Attorney General in such form and manner as the Attorney
 16 General may prescribe for the provision of civil legal assist-
 17 ance to members of Indian tribes and tribal justice systems,
 18 and/or other purposes consistent with this Act.

19 **SEC. 103. TRIBAL CRIMINAL ASSISTANCE GRANTS.**

20 Subject to the availability of appropriations, the Attor-
 21 ney General, in consultation with the Office of Tribal Jus-
 22 tice, shall award grants to non-profit entities, as defined
 23 by section 501(c)(3) of the Internal Revenue Code, which
 24 provide legal assistance services for Indian tribes, members
 25 of Indian tribes, or tribal justice systems pursuant to fed-

1 eral poverty guidelines that submit an application to the
 2 Attorney General in such form and manner as the Attorney
 3 General may prescribe for the provision of criminal legal
 4 assistance to members of Indian tribes and tribal justice
 5 systems, and/or other purposes consistent with this Act.
 6 Funding under this title may apply to programs, proce-
 7 dures, or proceedings involving adult criminal actions, ju-
 8 venile delinquency actions, and/or guardian-ad-litem ap-
 9 pointments arising out of criminal or delinquency acts.

10 **SEC. 104. NO OFFSET.**

11 No Federal agency shall offset funds made available
 12 pursuant to this Act for Indian tribal court membership
 13 organizations or Indian legal services organizations against
 14 other funds otherwise available for use in connection with
 15 technical or legal assistance to tribal justice systems or
 16 members of Indian tribes.

17 **SEC. 105. TRIBAL AUTHORITY.**

18 Nothing in this Act shall be construed to—

19 (1) encroach upon or diminish in any way the
 20 inherent sovereign authority of each tribal govern-
 21 ment to determine the role of the tribal justice system
 22 within the tribal government or to enact and enforce
 23 tribal laws;

24 (2) diminish in any way the authority of tribal
 25 governments to appoint personnel;

1 (3) *impair the rights of each tribal government*
 2 *to determine the nature of its own legal system or the*
 3 *appointment of authority within the tribal govern-*
 4 *ment;*

5 (4) *alter in any way any tribal traditional dis-*
 6 *pute resolution fora;*

7 (5) *imply that any tribal justice system is an in-*
 8 *strumentality of the United States; or*

9 (6) *diminish the trust responsibility of the*
 10 *United States to Indian tribal governments and trib-*
 11 *al justice systems of such governments.*

12 **SEC. 106. AUTHORIZATION OF APPROPRIATIONS.**

13 *For purposes of carrying out the activities under this*
 14 *title, there are authorized to be appropriated such sums as*
 15 *are necessary for fiscal years 2000 through 2004.*

16 **TITLE II—INDIAN TRIBAL**
 17 **COURTS**

18 **SEC. 201. GRANTS.**

19 (a) *IN GENERAL.*—*The Attorney General may award*
 20 *grants and provide technical assistance to Indian tribes to*
 21 *enable such tribes to carry out programs to support—*

22 (1) *the development, enhancement, and con-*
 23 *tinuing operation of tribal justice systems; and*

24 (2) *the development and implementation of—*
 25 (A) *tribal codes and sentencing guidelines;*

1 (B) *inter-tribal courts and appellate sys-*
 2 *tems;*

3 (C) *tribal probation services, diversion pro-*
 4 *grams, and alternative sentencing provisions;*

5 (D) *tribal juvenile services and multi-dis-*
 6 *ciplinary protocols for child physical and sexual*
 7 *abuse; and*

8 (E) *traditional tribal judicial practices,*
 9 *traditional tribal justice systems, and traditional*
 10 *methods of dispute resolution.*

11 (b) *CONSULTATION.*—*In carrying out this section, the*
 12 *Attorney General may consult with the Office of Tribal Jus-*
 13 *tice and any other appropriate tribal or Federal officials.*

14 (c) *REGULATIONS.*—*The Attorney General may pro-*
 15 *mulgate such regulations and guidelines as may be nec-*
 16 *essary to carry out this title.*

17 (d) *AUTHORIZATION OF APPROPRIATIONS.*—*For pur-*
 18 *poses of carrying out the activities under this section, there*
 19 *are authorized to be appropriated such sums as are nec-*
 20 *essary for fiscal years 2000 through 2004.*

21 **SEC. 202. TRIBAL JUSTICE SYSTEMS.**

22 *Section 201 of the Indian Tribal Justice Act (25*
 23 *U.S.C. 3621) is amended—*

1 (1) in subsection (a), by striking “1994, 1995,
2 1996, 1997, 1998, 1999, and 2000” and inserting
3 “2000 through 2007”;

4 (2) in subsection (b), by striking “1994, 1995,
5 1996, 1997, 1998, 1999, and 2000” and inserting
6 “2000 through 2007”;

7 (3) in subsection (c), by striking “1994, 1995,
8 1996, 1997, 1998, 1999, and 2000” and inserting
9 “2000 through 2007”; and

10 (4) in subsection (d), by striking “1994, 1995,
11 1996, 1997, 1998, 1999, and 2000” and inserting
12 “2000 through 2007”.

13 ***TITLE III—TECHNICAL AMEND-***
14 ***MENTS TO ALASKA NATIVE***
15 ***CLAIMS SETTLEMENT ACT***

16 ***SEC. 301. ALASKA NATIVE VETERANS.***

17 *Section 41 of the Alaska Native Claims Settlement Act*
18 *(43 U.S.C. 1629g) is amended as follows:*

19 (1) Subsection (a)(3)(I)(4) is amended by strik-
20 ing “and Reindeer” and inserting “or”.

21 (2) Subsection (a)(4)(B) is amended by striking
22 “; and” and inserting “; or”.

23 (3) Subsection (b)(1)(B)(i) is amended by strik-
24 ing “June 2, 1971” and inserting “December 31,
25 1971”.

1 (4) *Subsection (b)(2) is amended by striking the*
 2 *matter preceding subparagraph (A) and inserting the*
 3 *following:*

4 “(2) *The personal representative or special adminis-*
 5 *trator, appointed in an Alaska State court proceeding of*
 6 *the estate of a decedent who was eligible under subsection*
 7 *(b)(1)(A) may, for the benefit of the heirs, select an allot-*
 8 *ment if the decedent was a veteran who served in South*
 9 *East Asia at any time during the period beginning August*
 10 *5, 1964, and ending December 31, 1971, and during that*
 11 *period the decedent—”.*

12 **SEC. 302. LEVIES ON SETTLEMENT TRUST INTERESTS.**

13 *Section 39(c) of the Alaska Native Claims Settlement*
 14 *Act (43 U.S.C. 1629e(c)) is amended by adding at the end*
 15 *the following new paragraph:*

16 “(8) *A beneficiary’s interest in a settlement trust and*
 17 *the distributions thereon shall be subject to creditor action*
 18 *(including without limitation, levy attachment, pledge, lien,*
 19 *judgment execution, assignment, and the insolvency and*
 20 *bankruptcy laws) only to the extent that Settlement Com-*
 21 *mon Stock and the distributions thereon are subject to such*
 22 *creditor action under section 7(h) of this Act.”.*

1 **TITLE IV—NATIONAL LEADER-**
 2 **SHIP SYMPOSIUM FOR AMER-**
 3 **ICAN INDIAN, ALASKAN NA-**
 4 **TIVE, AND NATIVE HAWAIIAN**
 5 **YOUTH**

6 **SEC. 401. ADMINISTRATION OF NATIONAL LEADERSHIP**
 7 **SYMPOSIUM FOR AMERICAN INDIAN, ALAS-**
 8 **KAN NATIVE, AND NATIVE HAWAIIAN YOUTH.**

9 (a) *IN GENERAL.*—There are authorized to be appro-
 10 priated to the Secretary of Education for the Washington
 11 Workshops Foundation \$2,200,000 for administration of a
 12 national leadership symposium for American Indian, Alas-
 13 kan Native, and Native Hawaiian youth on the traditions
 14 and values of American democracy.

15 (b) *CONTENT OF SYMPOSIUM.*—The symposium ad-
 16 ministered under subsection (a) shall—

17 (1) be comprised of youth seminar programs
 18 which study the workings and practices of American
 19 national government in Washington, DC, to be held
 20 in conjunction with the opening of the Smithsonian
 21 National Museum of the American Indian; and

22 (2) envision the participation and enhancement
 23 of American Indian, Alaskan Native, and Native Ha-
 24 waiian youth in the American political process by

- 1 *interfacing in the first-hand operations of the United*
- 2 *States Government.*

Attest:

Clerk.

106TH CONGRESS
2D SESSION

S. 1508

AMENDMENT